
From: Flahive, Katie
To: Hall, Lynda
Sent: 2/10/2015 5:42:06 PM
Subject: FW: Attn Katie: Oregon CZARA Ag Documents - Keep this list handy!

Lynda,

I had a good talk with Alan Henning today on his needs for my involvement. I need to talk with Don to let him know, but will wait until you and I agree to my level of involvement.

Alan and I agreed that I don't need to be on all the weekly calls and when there are some discreet tasks I'll be happy to be involved (similar to how I was this summer), and that I'm happy to serve as a technical advisor when needed to Alan. Basically, NMFS will be involved on these weekly calls and the group will be culling through many layers of info (list below) to determine next steps.

Ex. 5 - Deliberative

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I'm comfortable with this level of involvement. Let me know if you have questions or concerns.

Thanks,
Katie

Sent from my Windows Phone

From: Waye, Don
Sent: 2/10/2015 12:34 PM
To: Flahive, Katie
Cc: Hall, Lynda
Subject: Attn Katie: Oregon CZARA Ag Documents - Keep this list handy!

Katie,

Jayne's list below to the Ag Team (for which you have now been conscripted into service, barring any word from Lynda to the contrary) is long and—at first glance—intimidating. However, with regard to what is relevant to our review under CZARA of OR's Ag WQ Management Program, note that Jayne has taken the time to reference specific page numbers, so the amount of material is not as bad as it first looks. No doubt you will also likely recall much of the pre-2014 materials. Also, Jayne included a lot of the basic CZARA documents in the bottom section since her email is directed to someone who is completely unfamiliar with CZARA.

It seems like we will be plowing through these materials over the course of several months, at a minimum, so there is no expectation for you to be intimately familiar with everything in the short term. You will be working with a good team of folks (including me) from EPA & NOAA moving forward.

Bottom line: Please keep this linked list of materials handy, as we will be referring to it over the coming months.

Thanks!

Don

From: Carlin, Jayne
Sent: Monday, February 09, 2015 8:09 PM
To: Jacobson, Martin
Cc: Henning, Alan; Wu, Jennifer; allison.castellan@noaa.gov; Flahive, Katie; Waye, Don
Subject: OR CZARA: Ag Documents

Hi Marty,

Below are documents pertaining to the agricultural MMs under OR CZARA. Note: Pertinent comments submitted during the public comment period will be provided in a separate email but this will help get you started.

OREGON COASTAL NONPOINT PROGRAM NOAA/EPA PROPOSED FINDING (December 20, 2013)(*see pages 1, 12-14*)

<http://coast.noaa.gov/czm/pollutioncontrol/media/OR%20CZARA%20Decision%20Doc%2012-20-13.pdf>

FINDINGS FOR THE OREGON COASTAL NONPOINT PROGRAM (1/13/1998) (*see Part II*)

<http://coast.noaa.gov/czm/pollutioncontrol/media/findor.txt>

OREGON'S RESPONSE TO PROPOSED FINDINGS (March 20, 2014) (*see pages 20-36*)

<http://coast.noaa.gov/czm/pollutioncontrol/media/StateofOregonCZARAsubmittal3-20-14.pdf>

NOAA/EPA FINDING THAT OREGON HAS NOT SUBMITTED A FULLY APPROVABLE COASTAL NONPOINT PROGRAM (January 30, 2015)(*see pages 1-3, 21-22*)

<http://coast.noaa.gov/czm/pollutioncontrol/media/ORCZARAdcision013015.pdf>

NOAA AND EPA RESPONSE TO COMMENTS REGARDING THE AGENCIES' PROPOSED FINDING THAT OREGON HAS NOT SUBMITTED A FULLY APPROVABLE COASTAL NONPOINT PROGRAM (January 30, 2015) (*see pages 3, 42-55*)

<http://coast.noaa.gov/czm/pollutioncontrol/media/ORCZARArtC.pdf>

NOAA AND EPA PRELIMINARY DECISIONS ON INFORMATION SUBMITTED BY OREGON TO MEET COASTAL NONPOINT PROGRAM CONDITIONS (Interim Approval Decisions Only)(Input from Oregon 7-15-13) (*pages 2-7*)

<http://coast.noaa.gov/czm/pollutioncontrol/media/References%20C-2a%20OR%206217%20Draft%20Compiled%20Interim%20Decisions.pdf>

PLAN FOR MEETING THREE REMAINING MEASURES (July 1, 2013) (*page 1*)

<http://coast.noaa.gov/czm/pollutioncontrol/media/References%20C-3%20Oregon%20Cvr%20Ltr%207-1-2013.pdf>

OREGON COASTAL NONPOINT POLLUTION CONTROL PROGRAM; ADDITIONAL INFORMATION CONCERNING OREGON'S FAILURE TO REGULATE AGRICULTURAL NONPOINT POLLUTION (May 10, 2013) (all pages & enclosures)

<http://coast.noaa.gov/czm/pollutioncontrol/media/References%20C-4%20NWEA%20Cvr%20Ltr%20Add%20Info%20on%20Ag%205-10-13.pdf>

Enclosures:

[Support for Slight Modifications to Riparian Matrix. Letter from Will Stelle, NOAA National Marine Fisheries Service to Roylene Rides-at-the-Door, U.S. Department of Agriculture and Dennis McLerran, EPA, April 9, 2013.](#)

[EPA Oversight of Trading in Oregon Permits Needed to Ensure Consistency with EPA Regulations Implementing the Clean Water Act. Letter from Nina Bell, Northwest Environmental Advocates to Michael Lidgard, EPA, March 15, 2013.](#)

[Generalized Decision Path for Assessing Compliance with Mid-Coast Agricultural Rules OAR 603-095-2200 for Establishment and Development of Riparian Vegetation \(Draft\), April 11, 2011.](#)

[Addressing Treaty Rights Issues Associated with Continuing Loss of Habitat Productivity of Importance to Salmon and Steelhead Pollutions and other Fishery Resources in the Pacific Northwest. Letter from Will Stelle, NOAA National Marine Fisheries Service to Roylene Rides-at-the Door, U.S. Department of Agriculture and Dennis McLerran, EPA, January 30, 2013. Enclosures include:](#)

[Interim Riparian Buffer Recommendations for Streams in Puget Sound Agricultural Landscapes, November 2012.](#)

[Review of "Efficacy and Economics of Riparian Buffers on Agricultural Lands. Memorandum from Dr. Usha Varanasi, Northwest Fisheries Science Center to Robert Lohn, National Marine Fisheries Service, March 17, 2003.](#)

OREGON COASTAL NONPOINT POLLUTION CONTROL PROGRAM; EPA AND NOAA'S INTERIM APPROVAL OF AGRICULTURAL MANAGEMENT MEASURES FOR OREGON ARE BASED ON A FLAWED UNDERSTANDING OF THE STATE'S ENFORCEMENT AUTHORITY (June 13, 2012) (*see all pages & enclosures*)

<http://coast.noaa.gov/czm/pollutioncontrol/media/References%20C-8%20NWEA%20CZARA%20Agr%20Ltr%20on%20Enf%206-13-12.pdf>

Enclosures:

[Interpretation of Oregon Department of Agriculture Area Rules, Letter from Nina Bell, Northwest Environmental](#)

Advocates, to Dave Wilkinson, Oregon Department of Agriculture, May 24, 2012.
Interpretation of Oregon Department of Agriculture Basin Rules. Letter from Nina Bell, Northwest Environmental Advocates to Lisa Hanson, Deputy Director, Oregon Department of Agriculture, June 13, 2012.
Memorandum of Agreement between Oregon Department of Agriculture and Oregon Department of Environmental Quality Relating to Agricultural Nonpoint Source Pollution, May 17, 2012.

OREGON COASTAL NONPOINT POLLUTION CONTROL PROGRAM; EPA AND NOAA'S INTERIM APPROVAL OF AGRICULTURAL MANAGEMENT MEASURES FOR OREGON (May 2, 2012)(*see all pages and appropriate enclosures*). <http://coast.noaa.gov/czm/pollutioncontrol/media/References%20C-9%20NWEA%20Ag%20Ltr%205-2-12.pdf>

Enclosures include:

Email and Attachments from Alex Manderson, Food Safety Division, Oregon Department of Agriculture, March 19, 2012.
Email from Dave Wilkinson, Water Quality Program Manager, Oregon Department of Agriculture, to Nina Bell, Northwest Environmental Advocates March 3, 2012.
Report on the Enforcement of the Clean Water Act as it relates to CAFOs (Concentrated Animal Feeding Operations). Oregon Department of Agriculture, Animal Law Clinic, November 8, 2011.
North Coast Basin Agricultural Water Quality Management Area, North Coast Basin Local Advisory Committee, September 2011.
Stout, H.A., et al. "Scientific conclusions of the status review for Oregon Coast coho salmon (*Oncorhynchus kisutch*).," Draft report from the Biological Review Team, Northwest Fisheries Science Center, May 20, 2010
2010 Tillamook Bay Watershed Health Report. Tillamook Estuaries Partnership.
Oregon CAFO NPDES (National Pollutant Discharge Elimination System) General Permit 01-2009.
Anlauf, K. J., K. K. Jones, and C.H. Stein. "The Status and Trend of Physical Habitat and Rearing Potential in Coho Bearing Streams in the Oregon Coastal Coho Evolutionary Significant Unit," OPSW-ODFW-2009-5, ODFW (2009).
Orin C. Shanks et al. Basin-Wide Analysis of the Dynamics of Fecal Contamination and Fecal Source Identification in Tillamook Bay, Oregon. Applied and Environmental Microbiology, 72 (August 2006): 5537-5546. Document is copyrighted. Cannot make available electronically. See hard copy.
M.F. Solazzi, et al. Effects of increasing winter rearing habitat on abundance of salmonids in two coastal Oregon streams. Canadian Journal of Fisheries and Aquatic Sciences, 57 (2000): 906-914. Document is copyrighted. Cannot make available electronically. See hard copy.
Memorandum of Agreement Between the Oregon Department of Agriculture and the Oregon Department of Environmental Quality concerning Water Quality Limited Waterbodies (303(d)), Total Maximum Daily Loads (TMDLs) and Agricultural Water Quality Management Area Plans, June 6, 1998.
Appendix D, Nestucca Bay Watershed TMDL Water Quality Management Plan (WQMP), Oregon Department of Environmental Quality, April 2002.
National Marine Fisheries Service Endangered Species Act Section 7 Consultation Biological Opinion for Environmental Protection Agency Registration of Pesticides Containing Chlopyrifos, Diazinon, and Malathion, NOAA National Marine Fisheries Service, November 18, 2008.
Oregon Department of Agriculture Plans and Rules, Chart of Adoptions and Revisions.
Tillamook Bay Watershed TMDL, Oregon Department of Environmental Quality, 2001.
Umpqua Basin TMDL, Oregon Department of Environmental Quality, 2006.
Umpqua Basin, Oregon Department of Agriculture Progress Report, September 13, 2012.

NOAA AND EPA INTERIM APPROVAL FOR BOUNDARY, AGRICULTURE AND URBAN MANAGEMENT MEASURES (January 13, 2004) (*see cover letter & pages 2-5*).

<http://coast.noaa.gov/czm/pollutioncontrol/media/References%20C-14%20OR%20Interim%20Ltr%201-13-04.pdf>

FINDINGS FOR THE OREGON COASTAL NONPOINT PROGRAM (January 13, 1998) (*see pages 3-4*).

<http://coast.noaa.gov/czm/pollutioncontrol/media/References%20C-16%20EPA%20NOAA%20Ltr%20%20Enc%201-13-98.pdf>

OTHER GUIDANCE, STATUTES AND RELATED INFORMATION

Agricultural Water Quality Management. State of Oregon. ORS 568.900-933

Agricultural Water Quality Management Program, Mid-Coast Agricultural Water Quality Management Area, Oregon Department of Agriculture, OAR 603-95-2200.

Guidance Specifying Management Measures for Sources of Nonpoint Pollution in Coastal Waters, 840-B-92-002.

Office of Water, EPA, January 1993.

Management Measures for Agriculture Sources

http://water.epa.gov/polwaste/nps/czara/upload/czara_chapter2_agriculture.pdf

COASTAL NONPOINT POLLUTION CONTROL PROGRAM DOCKET: FINDING THAT OREGON HAS
SUBMITTED A FULLY APPROVABLE COASTAL NONPOINT PROGRAM

<http://coast.noaa.gov/czm/pollutioncontrol/oregondocket/>

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www.epa.gov/r10earth/tmdl.htm

yosemite.epa.gov/R10/ecocomm.nsf/Watershed+Collaboration/State+Tribal+NPS